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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,046	04/13/2001	Stephen B. Corn	SCW-003	5940

959 7590 08/12/2003

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/12/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,046

Applicant(s)

CORN ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In response to Amendment filed 5/20/03, Claims 1, 3-14, and 16-20 are pending in this application. Claims 2 and 15 have been cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1, 3-14, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotvin et al. (U.S. Patent No. 5,907,831; hereinafter Lotvin) in view of Jenkins et al. (USPN 6,293,801; hereinafter Jenkins).**

Regarding claims 1, 7, 14, and 20, Lotvin discloses a method comprising the steps of: sending a request from a user for a page having educational content over the network; receiving said page; displaying the content to a user (column 9, lines 46-58); tracking and recording the time the user views the educational content (column 11, lines 49-51) to ensure said user views said content for *a time less than or equal to a maximum time period* (column 11, lines 65-67); wherein the user may receive *continuing education credit* for viewing an examination component of the presentation until the presentation is complete. Therefore Lotvin discloses all of the claimed subject matter of claims 1, 7, 14, and 20 with the exception of not explicitly disclosing: tracking and recording a time greater than or equal to a minimum time period; and wherein viewing the educational content by user not including an examination. However, Jenkins discloses a method of presenting educational content, wherein the educational content comprises

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“training exercises that are limited to a range of time between a minimum duration, e.g., fifteen minutes, and a maximum duration, e.g., twenty minutes. The user therefore has a limited amount of time to accumulate points” (Col. 25, lines 20-27). At the time of the invention, in view of Jenkins, it would have been obvious to a person of ordinary skill in the art to modify the time tracking means and educational content described in Lotvin, by presenting non-examination content that is *limited to a range of time* between a minimum duration and a maximum duration, wherein *the user can accumulate educational credit within the time range*, in order to encourage the user to provide his/her undivided attention by limiting the time range in which a user may accumulate educational credit.

Regarding claim 3, Lotvin discloses a method wherein educational content is presented to a user in the form of interrogatory and related answer (column 3, lines 11-22). Although it is not explicitly disclosed that the educational content is presented daily, it is the examiner's position that it would have been an obvious matter of choice well within the capabilities of one skilled in the art to prescribe the educational content as frequently as desired. Hence, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify presentation of educational materials as described in Lotvin, by presenting the materials daily, to provide sufficient presentation of educational materials as desired or required by the user.

Regarding claim 4, Lotvin discloses a method comprising the additional steps of: recording the amount of credit granted to each user; and providing the amount of credit granted to each user to said user upon request (column 9, lines 7-9).

Regarding claim 5, Lotvin discloses a method wherein said method does not award educational credit to a user of said electronic device for reviewing said educational content as a result of the recorded amount of time exceeding a maximum time parameter (see Fig. 5B, ref. 520).

Regarding claim 6, Lotvin discloses a method comprising the additional steps of: sending a message 521 to the user indicating that an exceeded amount of time has been spent reviewing said educational content, said message generated as a result of the recorded amount of time exceeds a maximum time parameter; receiving subsequently from said user a new recorded amount of time 508; and awarding educational credit 529 to the user based on said new recorded amount of time. It is not explicitly disclosed that a message is sent to a user indicating an inadequate time spent on reviewing educational content. However, Jenkins discloses a method of presenting educational content, wherein a user is required to view the educational content at least for a minimum duration to accumulate

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educational credit (Col. 25, lines 20-27). Thus, at the time of the invention, in view of Jenkins, it would have been obvious to a person of ordinary skill in the art to modify the message indicator described in Lotvin, by providing a message for the criteria of *spending inadequate time viewing educational materials*, in order to encourage the user to provide his/her undivided attention by limiting the time range in which a user may accumulate educational credit.

Regarding claim 8, Lotvin discloses a method comprising the steps of: providing a page having one or more educational units and one or more advertising units; associating one or more of said advertising units with one or more of said educational units such that said advertising unit is displayed in connection with said educational unit (column 8, lines 5-12).

Regarding claim 9, Lotvin discloses a method wherein a plurality of said advertising units constitutes an advertisement (column 8, line 10).

Regarding claim 10, Lotvin discloses a method wherein said advertising units are indexed to said educational units (column 8, lines 5-12).

Regarding claim 11, Lotvin discloses a method wherein said advertising units displayed are specific to the user (column 6, line 64 – column 7, line 5).

Regarding claim 12, Lotvin discloses a method wherein said advertisement is part of a sequence of advertising, said sequence of advertising being synchronized with the sequence of educational units (column 8, lines 10-12).

Regarding claim 13, Lotvin discloses a method comprising the further step of: forwarding said educational unit and an associated advertisement to a user-designated recipient (column 8, lines 10-12).

Regarding claim 15, Lotvin discloses a method wherein said educational unit includes content for a professional user and a non-professional user (column 3, lines 31-45).

Regarding claim 16, Lotvin discloses a method comprising the additional steps of: grouping selected educational units so as to form a course (column 3, line 37); registering said user for said course; and sending said educational units forming said course to said electronic device for review by said user (column 7, lines 45-48).

Regarding claim 17, Lotvin discloses a method comprising the additional steps of: providing user response to the author of said educational units after said user reviews said educational units; and altering other educational units based on said user response (column 8, lines 25-27; column 5, lines 29-38).

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Regarding claim 19, Lotvin discloses a method comprising the additional step of: providing a search feature for said educational unit, said search feature searching multiple educational units on a plurality of web pages utilizing a single query (column 6, lines 30-33).

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lotvin et al. (U.S. Patent No. 5,907,831; hereinafter Lotvin) in view of Jenkins et al. (USPN 6,293,801; hereinafter Jenkins) further in view of Sonnenfeld (USPN 6,112,049).

Regarding claim 18, Lotvin discloses a method comprising the additional steps of: presenting said educational unit to said user in the format of a crossword puzzle (column 11, lines 41-44); and using said crossword puzzle completion as a basis for awarding continuing education units to said user (column 6, lines 11-13). Neither Lotvin nor Jenkins explicitly disclose hyperlinks provided to the correct answers for the crossword puzzle. However, Sonnenfeld teaches a method wherein hyperlinks of correct answers of educational units are provided (column 9, lines 43-44). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the educational unit described in the combination of Lotvin and Jenkins, by providing hyperlinks to correct answers, in light of the teachings of Sonnenfeld, thereby providing the user with feedback on his/her performance on the educational unit.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-14, and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

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pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

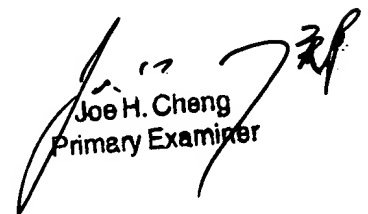
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


CS

August 4, 2003


Joe H. Cheng
Primary Examiner